

## Exhibit “21”

to the Affirmation of Sean P. Carter Transmitting Evidence in Support of Plaintiffs’  
Memorandum of Law in Opposition to the Motion to Dismiss of the Kingdom of Saudi Arabia  
and Saudi High Commission for Relief of Bosnia & Herzegovina

SEN. RICHARD BURR (R-NC), SENATE INTELLIGENCE COMMITTEE CHAIRMAN: Jim, good morning.

SCIUTTO: I want to ask you, because I just returned from Paris myself, and one thing that struck me is that, to this point, from U.S. intelligence officials that I speak to, AQAP, al Qaeda in the Arabian Peninsula, had been seen primarily as a threat to air travel, a significant threat, concealed explosives, but primarily to air travel.

In light of the presumed, the perceived tie to those attacks in Paris, is that -- have the Paris attacks demonstrated a new capability for AQAP and a new ambition, frankly?

BURR: Well, Jim, I think the intent was always to carry out multiple means of terrorism from AQAP and others.

We have got to remember that this is not about an individual. It's about an ideology. And terrorism is now global. We don't know where it's going to come from. CNN this week broadcast from eight different countries around the world. So it's not like we can keep our eye on one thing. And this is a war that we have to win.

SCIUTTO: No question. I mean, you make the point that terrorism, global -- as a result, the response must be global as well.

But when you look at the run-up to these attacks in Paris, there was clearly an intelligence failure here, not just by the French. And, granted, it's a difficult decision to make, but the decision to surveil these suspects and then stop that surveillance six months before the attacks, but also in terms of intelligence-sharing, because the U.S. had the Kouachi brothers both on a no-fly list and a terror watch list.

Was that communicated -- was that information communicated to the French? And why did not the - the French not respond accordingly, in light of the very close intelligence-sharing relationship that the U.S. and France have?

BURR: Well, I guess the question is, Jim, did we put the brothers on the no-fly list because of what we might have received from France or what we might have picked up ourselves?

And I'm not sure that I know the answer to that. I will just say this, that I think every country in the world today is probably looking back at the policies that they have got on surveillance for known fighters and trying to determine, is there a point where you just stay on them 24/7?

If it is, with over 20,000 globally that have really been fighters, these countries, as well as the United States, has got a real problem. We have got dozens of individuals that we know went to Syria. I would guess that we're surveilling 100 percent of them right now.

But that's in addition to everybody else that we may have reasons to suspect. As we saw, we have an Ohio man this week, though we don't take that with near the importance of somebody coming back from Syria.

SCIUTTO: You say dozens. You say it's likely that they're being kept under surveillance.

Are new measures being taken following the Paris attacks to put new suspects under surveillance to avoid missing one, as, sadly, the French did in this case?

BURR: Well, Jim, I think post-Paris, I think every law enforcement, every intelligence community official in the world went back to chapter one and began to write the new book as far as what we were going to do.

They have scrubbed information to figure out whether we have missed anything. But here's the important things. They have taken what we have learned from Paris. They have taken what we're going to learn from the raids in Belgium, and they're going to run those, that data, and create new dots on the map.

And then analysts at all the agencies around the world are going to try to connect those dots to figure out whether there are other individuals that we don't know about that we need to begin to surveil, that we need to look at where they are, what they do, who they talk to.

And I think we're in for weeks, if not months, of an unbelievable amount of data that is going to tell us what the next step is in defending this country, and, I might say, defending Europe as well.

SCIUTTO: There was an odd joint, in effect, claim of responsibility. You have AQAP claiming responsibility for the Paris attacks, but you had the attacker at the kosher market in Paris pledging allegiance to ISIS.

Is the U.S. aware of any increased cooperation between a group such as AQAP and ISIS?

BURR: Jim, we're not, but I think it's foolish to think that two groups competing for fighters and competing for money wouldn't go out and claim some degree of credit for this.

And I think that that's one thing that these groups all share, is they're pulling from the same pool of fighters and they're pulling from the same resources for financing from around the world, so being part of that spectacular attack.

And I might say that I think we have overlooked the fact that Belgium is an intelligence win. Individuals that we knew about, individuals that were watched, the Belgium government made a decision to go for a particular reason when they did.

And I think you have seen how seriously they take what they found, hundreds of troops in Belgium, never seen before, over 20,000 troops in France right now helping in the fight against terrorism, and a capture of over 20 in five or six different countries just in the last 48 hours.

SCIUTTO: The administration has argued that, as important as intelligence steps and military steps to fight terrorism, it's important to attack the ideology.

And let -- yet, this last week, we noticed that, in Saudi Arabia, a close U.S. ally, that a blogger flogged, sentenced to 10,000 -- to 1,000, rather, lashes simply for starting a debate online on his blog about extremism in his country.

At the same time, Pakistan, of course, another close U.S. ally, has sentenced to death a Christian woman for blasphemy as well. These are close allies.

Is it your view that these countries, Saudi Arabia and Pakistan, through steps like this are, in fact, encouraging terrorism by helping to feed the ideology behind it?

BURR: Well, Jim, let me say, a week ago, I said this was a fight, a war against Western civilization.

And what I realized was my mistake in that sentence was that this is every bit the fear and the threat of average Muslims in Muslim countries around the world. This is a concern and a threat to us, to Europe, and every Muslim around the world that's not a fanatic terrorist.

And the reality is that we have got to reach out to those individuals because we should be as concerned about making sure that the world is safe for them as we do for our own children.

SCIUTTO: But are our allies doing enough as well? Because a country such as Saudi Arabia has enormous influence, Pakistan as well, against this sort of extremism. Are they doing their part, or, in effect, are they making the problem worse?

BURR: Well, Jim, as you know, they have been a contributor to the funding since al Qaeda was created. A lot of the Middle Eastern countries have.

And, hopefully, our administration is reaching out to them, as is the global community, and saying, things have to stop. You have to quit funding terrorism. You have to quit teaching this to your youth. We have got to make sure that we're after the same future that they are. And I dare say that if they're not willing to help us in that partnership, then there ought to be some type of ramifications from it.

SCIUTTO: Very strong points.

Thanks very much, Senator Richard Burr, Republican chairman of the Senate Intelligence Committee. We appreciate having you on this morning.

BURR: Welcome back, Jim. Thank you.

SCIUTTO: Well, intelligence analysts across the globe jostling now to find the next terror cell before it can strike. But have American policies such as deploying drones and keeping detainees chained in Guantanamo Bay helped manufacture new terrorists?

We will answer that question after this break.

(COMMERCIAL BREAK)

SCIUTTO: Welcome back to STATE OF THE UNION. I'm Jim Sciutto in Washington.

And with me now is Senator Chris Murphy. He's a Democrat on the Senate Foreign Relations Committee.

Senator Murphy, thanks very much for joining us this morning.

SEN. CHRIS MURPHY (D), CONNECTICUT: Yes. Thanks for having me, Jim.

SCIUTTO: We were just speaking with the Republican Senate Intelligence chair, Richard Burr. And he made a point at the end of our conversation which I thought was very powerful.

I was asking him about, during the week of the Paris attacks, you have two close U.S. allies, Saudi Arabia flogging a blogger for just sparking a debate online about extremism. You have Pakistan, another close ally, sentencing a Christian for blasphemy.

And I asked him if our close allies here are doing enough to fight extremism. And he said, in these cases, no, they're not and that if they -- if that is -- if that holds true, that there should be consequences.

I wonder if you agree with him. MURPHY: I do agree with him.

And the reality is, just as Richard said, this is not a war between Christianity and Islam, between the East and the West. And I think he was very right to point that out. But when you have these kind of actions inside Pakistan and Saudi Arabia, it perpetuates this myth that that is indeed the fight that is going on.

And, of course, we know that, for years, for decades, the Saudis have been funneling money to Wahhabi clerical organizations that fund the very madrasas that train Islamic jihadists. We certainly know in Pakistan that, at the same time that they have been fighting radical elements, they have also been funding those radical elements, or at least being permissive of them.

So, we have got to have some hard conversations with our allies in the coming weeks and days. We have let it go on for far too long. And now that we have realize the reality, the danger, the immediacy of this threat to the United States and to our allies, I think Republicans and Democrats can come together and say, listen, time is up. We need to see some progress or, especially with a country like Pakistan that's the recipient of major dollars from the United States, there's going to be some consequences.

SCIUTTO: Fair point.

I want to ask you. You made some interesting comments this week talking about the perennial nature of America's wars and how that may contribute to extremism. And it echoes, to some degree, the comments made more than a decade ago by the defense secretary at the time, Donald Rumsfeld, who, in his words, are we creating more of them than we are killing, in effect?

And I wonder if you could make your point here. Are you saying that, by repeated military intervention in Iraq, in Afghanistan, drone strikes in countries such as Yemen, that there is a downside to that, that that helps recruit extremists?

And I might mention that one of the Kouachi brothers, in court papers, said specifically that it was the U.S. invasion of Iraq and the mis -- the abuse at Abu Ghraib that led him to want to go fight American forces there.

MURPHY: Well, here's the first and most important thing.

There is never a justification, an excuse, a rationale for these kind of murderous terrorist attacks.

The only people to blame for these murders in Paris and other assaults around the world are the individuals who perpetuated them.

But my point has been simply this. We shouldn't be full of such hubris here in the United States that we don't have a conversation about the fact that there are things that we do, there are actions that we take that can create more terrorists, create more threats to the United States, and there are things that we can do, actions that we can create that will create less terrorists across the world. And I think that's a useful conversation to have. I have argued

-- and I think many others would agree with me -- that the war in Iraq, which became a recruiting tool for Islamic extremists all around the world, made this country less safe, not more safe.

I would argue that the way in which we have conducted drone strikes in some parts of the world have become bulletin board recruiting material for many of these terrorist organizations. That doesn't create a rationale, a justification for anything that has happened, but it just, I think, should create a conversation here in the United States about being careful about conducting a foreign policy in a way that ends up creating more of the very kind of people and organizations that we're trying to fight.

SCIUTTO: Now, would you say that the U.S.-led air campaign in Iraq and Syria is repeating that mistake, then?

MURPHY: No, my caution has been that we should not be sending in a new deployment of massive ground troops into that fight.

Robert Gates, the defense secretary under both Bush and Obama, said the next president that proposes such a thing should have their head examined. And there are many of my colleagues that are saying that we can't beat ISIS unless we put a massive number of new ground troops into that fight.

I think ISIS is so dangerous, their momentum was so clear that we had to put significant airpower and advisers on the ground. I support that. But I don't support essentially beginning a new U.S.-led ground invasion in Iraq, or in Iraq and Syria, because that would, I think, tip the balance in terms of what is necessary to protect American national security vs. what is going to, in Donald Rumsfeld's opinion or the way in which he phrased it, create more of the people that we're trying to eliminate.

SCIUTTO: I want to ask you about Boko Haram, because, last week, while we were focused on the Paris attacks, you had a horrible atrocity committed by Boko Haram north of Nigeria, perhaps as many as 2,000 killed.

CNN had its reporter on the scene as well. And I just want to show you a political cartoon here that made a point that was not unusual, focusing, of course, all the attention that there was on Paris, some would argue, ignoring what's happening in Nigeria.

A number of months ago, when those girls went missing, Boko Haram, the White House focused -- you will remember "bring back our girls" was a popular Twitter hashtag. There was talk of U.S. military cooperation there, particularly intelligence and surveillance to help locate the girls.

Is the U.S. helping fight Boko Haram? And are we minimizing -- because this, of course, is another

terror threat -- are we minimizing the terror threat emanating from Boko Haram?

MURPHY: Well, I do think it's unfortunate that there hasn't been as much world attention as there should be on this increasing threat from Boko Haram.

We're seeing literally thousands of deaths due to their terrorist activities. Twelve deaths in Paris is an atrocity, but it shouldn't excuse us from paying attention to what's happening in Africa. I know that we will have conversations in the Foreign Relations Committee in the coming weeks about some new assets that the United States can provide to those fighting Boko Haram on the ground.

It deserves an equal amount of attention from the United States. Now, I think the reason which we have seen more attention on Paris is that the organizations that are claiming responsibility, whether it be al Qaeda or ISIS, are making more credible and have a history of more credible threats against the United States. That's why this deserves a good degree of American attention.

But Boko Haram, unchecked, is a threat not just to the region, but the entire world. And it deserves our attention as well.

SCIUTTO: I want to ask you about Ukraine now, because there is, when you look at the evidence on the ground, a low-level war under way in Eastern Europe.

And I just want to, for the sake of our viewers, show some drone video over Donetsk in Eastern Ukraine, which, when you see this area from the air -- and I have been to this airport in Donetsk before, just a number of months ago -- this looks like a war zone, and the deaths on the ground and the Russian troops on the ground indicate a war is under way there.

The administration's position has been that economic sanctions will lead to de-escalation. Meanwhile, on the ground, Senator Murphy, we're seeing escalation in recent weeks. Is the Obama administration policy failing with regards to Russia and Ukraine?

MURPHY: Well, listen, ultimately, the United States is not going to fight a proxy war against Russia inside eastern Ukraine. And so long as the United States is not fighting that war, the Ukrainian army which has been undermined (ph) over the last 10 years by corrupt generals is going to be at a disadvantage against an invading Russian army or Russian supported army.

But I have come to the point where I believe now that the United States needs to start sending more significant military assistance to the Ukraine. That was not a position I held initially in this debate. And I've been pressing the administration to support that view.

Right now economic sanctions are not in a short run convincing Russia to pull back. You've seen some significant improvements in terms of central governance out of Kiev with the new President Poroshenko taking the reins of government. But I think the administration has to start looking at some more serious levels of defensive armaments being sent to the Ukrainians. I think that would help in a fight that we have to admit is not ending anytime soon.

SCIUTTO: More military to Ukraine. Thanks very much, Senator Chris Murphy. Great to have you on (ph). MURPHY: Thanks, Jim.

SCIUTTO: Around the world Muslims are protesting finishing their morning prayers and then